

Planning
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DATE 7-7-05

Mary Abbott
TOWN CLERK, ACTON

DECISION #05-03

DECISION OF THE PETITION OF JENN ROBICHAUD OF BARLO SIGNS, 166, 170 AND 172 GREAT ROAD

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, June 6, 2005 on the Petition of Jenn Robichaud of Barlo Signs for a **VARIANCE** from Section 7.8.5.2 off the Zoning Bylaw to allow the removal of a ground sign measuring 69 square feet, 12 feet 8 inches high to be replaced by a ground sign measuring 43.4 square feet, 12 feet 4 inches high. Located at 166, 170 and 172 Great Road. Map F4/Parcels 11-4, 11-3 and 11-2.

Present at the hearing were, Jonathan Wagner, Chairman, Cara Voutselas, Alternate Member, William Sawyer, Alternate Member, Garry Rhodes, Building Commissioner and Cheryl Frazier, Board of Appeals Secretary. Also present was Don Reed of Barlo Signs as representative of the Petitioner and Anne Fanton and Isabella Choate as interested parties.

Jonathan Wagner opened the hearing and read the contents of the file. The file contained a letter from Garry Rhodes, Building Commissioner denying the Petitioner's application because the height of the proposed sign exceeded the present height limitation of 10 feet and the square footage of the proposed sign exceeded the present maximum area of 24 square feet. The file also contained an Interdepartmental Communication from Roland Bartl, Town Planner, stating that the request would be more plausible as a request for a Special Permit if the sign was reduced from 12 feet to 10 feet in height and also noting that there was no submission which indicated whether the proposed location was within setback requirements.

The Petitioner explained that the purpose of the Variance is to allow the removal of a sign in very poor condition with a new larger sign with larger, more distinct lettering. The need for a larger sign is for better visibility and because there are a greater number of tenant names to be installed on the sign.

The Board pointed out to the Petitioner that in order to grant a variance the Board must find certain conditions ("Mandatory Findings"), the first of which is "that owing to circumstances relating to the soil conditions, shape or topography of the LOT or STRUCTURES in question

and especially affecting such LOT or STRUCTURES but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the Petitioner."

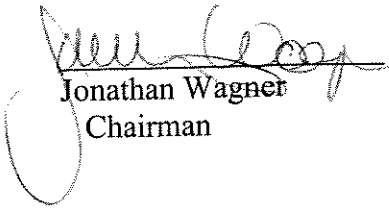
The Board of Appeals, after considering the materials submitted with the Petition, together with the information developed at the hearing, finds that:

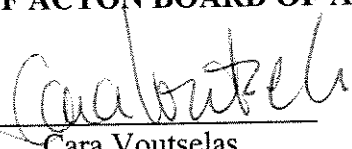
A literal enforcement of the provisions of Section 7.8.5.2 would not involve substantial hardship, financial or otherwise, to the Petitioner as a result of any circumstances relating to the soil conditions, shape or topography of the LOT or STRUCTURES.

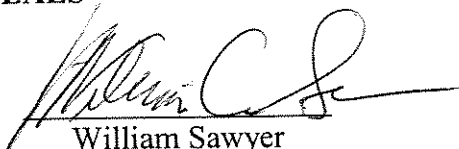
Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to **DENY** the **VARIANCE**.

Any person aggrieved by the decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within twenty (20) days after this decision is filed with the Acton Town Clerk.

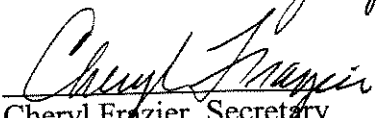
TOWN OF ACTON BOARD OF APPEALS


Jonathan Wagner
Chairman

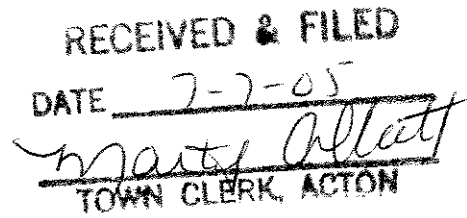
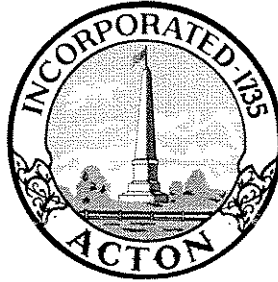
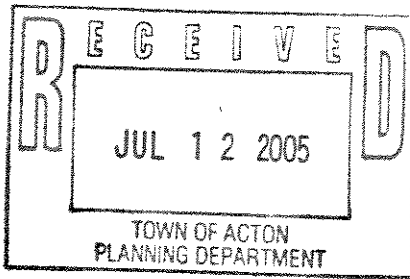

Cara Voutselas
Alternate Member


William Sawyer
Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on July 7, 2005, 2005.


Cheryl Frazier, Secretary
Board of Appeals

Planning



DECISION #05-04

DECISION OF THE PETITION OF JENN ROBICHAUD OF BARLO SIGNS, 157 GREAT ROAD

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, June 6, 2005 on the Petition of Jenn Robichaud of Barlo Signs for a **VARIANCE** from Section 7.8.5.2 off the Zoning Bylaw to allow the removal of a ground sign measuring 38.2 square feet, 7 feet 6 inches high to be replaced by a ground sign measuring 44 square feet, 12 feet 4 inches high. Located at 157 Great Road. Map F4/Parcel 20.

Present at the hearing were, Jonathan Wagner, Chairman, Cara Voutselas, Alternate Member, William Sawyer, Alternate Member, Garry Rhodes, Building Commissioner and Cheryl Frazier, Board of Appeals Secretary. Also present was Don Reed of Barlo Signs as representative of the Petitioner and Anne Fanton and Isabella Choate as interested parties.

Jonathan Wagner opened the hearing and read the contents of the file. The file contained a letter from Garry Rhodes, Building Commissioner denying the Petitioner's application because the height of the proposed sign exceeded the present height limitation of 10 feet and the square footage of the proposed sign exceeded the present maximum area of 24 square feet. The file also contained an Interdepartmental Communication from Roland Bartl, Town Planner, stating that the request would be more plausible as a request for a Special Permit if the sign was reduced from 12 feet to 10 feet in height and also noting that there was no submission which indicated whether the proposed location was within setback requirements.

The Petitioner explained that the purpose of the Variance is to allow the removal of a sign in very poor condition with a new larger sign with larger, more distinct lettering. The need for a larger sign is for better visibility and because there are a greater number of tenant names to be installed on the sign.

The Board pointed out to the Petitioner that in order to grant a variance the Board must find certain conditions ("Mandatory Findings"), the first of which is "that owing to circumstances relating to the soil conditions, shape or topography of the LOT or STRUCTURES in question

and especially affecting such LOT or STRUCTURES but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the Petitioner."

The Board of Appeals, after considering the materials submitted with the Petition, together with the information developed at the hearing, finds that:

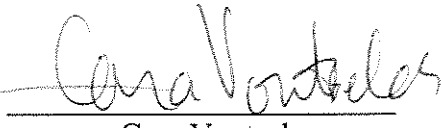
A literal enforcement of the provisions of Section 7.8.5.2 would not involve substantial hardship, financial or otherwise, to the Petitioner as a result of any circumstances relating to the soil conditions, shape or topography of the LOT or STRUCTURES.

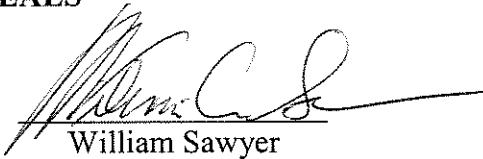
Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted unanimously to **DENY** the **VARIANCE**.

Any person aggrieved by the decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within twenty (20) days after this decision is filed with the Acton Town Clerk.

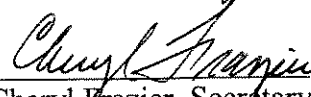
TOWN OF ACTON BOARD OF APPEALS


Jonathan Wagner
Chairman


Cara Voutselas
Alternate Member


William Sawyer
Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on July 7, 2005.


Cheryl Frazier, Secretary
Board of Appeals